



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,477	03/08/2001	Thomas Dodt	P20466	4933

7055 7590 08/30/2005

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

25

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

082605

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Adrienne C. Johnstone
Primary Examiner
Art Unit: 1733

Response to Remand

In the remand from the Board of Patent Appeals and Interferences mailed August 24, 2005 the Board required clarification of the status of the 35 U.S.C. § 112 second paragraph rejection of claims 1-3 and 6-21. In response, the examiner notes that in the Examiner's Answer mailed April 12, 2005 on p. 4 lines 5-12 (after the prior art rejection of claims 6 and 7) it is stated:

"The above prior art rejection of claims 6 and 7 is considered by the examiner to sufficiently address the unpatentability of these claims, therefore the indefiniteness rejection of claims 6 and 7 based on the "foil" language has not been maintained by the examiner. Also, appellants have clarified that the claim 6 language requiring the perforated foil to be "oriented in a circumferential direction" in fact means only that the perforated foil *extends* in the circumferential direction and not that the foil material itself is somehow oriented, therefore the indefiniteness and new matter rejections of claims 6 and 7 based on the "oriented" language have not been maintained by the examiner."

and on p. 11 lines 8-16 (after the new matter rejection of claims 1-3 and 8-21) it is stated:

"Appellants have clarified that the claim 1 language does *not* include the species wherein the support element is provided as "fibers that are distributed uniformly in the sound-absorbing insert and oriented predominantly in the circumferential direction of the tire" rather than the woven mesh, therefore the indefiniteness rejection of the claim 1 language based on appellants' previous arguments that the claim 1 language encompassed that species have not been maintained by the examiner. Appellants also do not argue the examiner's position that the specification paragraph 0067 requires the "at least one side" of the wrapped strip of sound-absorbing material in claim 10 to be *at least the radially outer side*, therefore the indefiniteness rejection of claim 10 based on the "at least one side" language has not been maintained by the examiner."

Art Unit: 1733

The 35 U.S.C. § 112 second paragraph rejection of claims 1-3 and 6-21 therefore was withdrawn in the Examiner's Answer in favor of the remaining rejections of claims 1-3 and 6-21.

This application will be forwarded to the Board of Patent Appeals and Interferences for decision on appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571)272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne Johnstone

August 26, 2005

Adrienne C. Johnstone
Primary Examiner
Art Unit 1733

